

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 511 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

SHAMBHUJI BHURAJI THAKORE

Versus

STATE OF GUJARAT

Appearance:

MR KG VAKHARIA for Appellant

MR BY MANKAD, ADDL. GOVT PLEADER for Respondent No. 1

NOTICE SERVED for Respondent No. 3

MR SK JHAVERI for Respondent No. 4

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

Date of decision: 02/12/98

ORAL JUDGEMENT (Per Patel, J.)

The petitioner having failed before the learned
Single Judge in Special Civil Application No. 4571 of
1985, has preferred this Letters Patent Appeal.

2. Learned Single Judge was of the view that the Special Civil Application could not be decided on affidavits as controversial questions were required to be decided in the matter. The dispute pertained to an evacuee property. Respondent No.4 claimed to be a tenant of the disputed land even before the land was declared to be evacuee property. Learned Single Judge directed to maintain statusquo for one and a half months from 1.11.1985 so as to enable the petitioner to avail of alternative remedy. While admitting this appeal on 26.12.85, the Division Bench passed an order in Civil Application No. 5132 of 1985 to the effect that statusquo be maintained regarding possession so far as the disputed land is concerned by all concerned till further order.

3. Mr. Vakharia states that construction of residential houses etc. have been made in the disputed property and some of the persons have transferred the property. In view of this, we would not like to entertain this appeal. However, we make it clear that it would be open for the appellant to approach the appropriate authority within one and a half months' time from today. The appeal is dismissed.

csm./ -----